

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JONATHAN R. NAVARRO,)	
)	CIVIL ACTION NO.:
Plaintiff,)	
)	_____
v.)	
)	Jury Trial Demanded
FEDEX SUPPLY CHAIN, INC.,)	
)	<i>Electronically Filed</i>
Defendant.)	

COMPLAINT – CIVIL ACTION

Plaintiff, Jonathan R. Navarro, a resident of York County, Pennsylvania, by and through his counsel, Weisberg Cummings, P.C., brings this civil action for damages against the above-named Defendant, FedEx Supply Chain, Inc., and complains and alleges as follows:

JURISDICTION & VENUE

1. The jurisdiction of this District Court is conferred by 28 U.S.C. § 1332, in that there is complete diversity of citizenship between the parties, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. § 1391(a) because a substantial part of the events or omissions giving rise to these claims occurred in this Judicial District.

THE PARTIES

3. Plaintiff, Jonathan R. Navarro (hereinafter “Mr. Navarro” or “Plaintiff”) is an adult individual residing at 713 North Franklin Street, York, York County, Pennsylvania, and is a citizen of the Commonwealth of Pennsylvania.

4. Defendant, FedEx Supply Chain, Inc. (hereinafter “FedEx” or “Defendant”), is a corporation organized and existing under the laws of Delaware, with a primary business address of 4155 Quest Way, Memphis, Tennessee 38115.

5. FedEx is a citizen of the state of Tennessee or Delaware.

6. At all times relevant and material hereto, FedEx conducted warehouse operations in York, York County, Pennsylvania.

7. At all times material hereto, Defendant was an “employer” within the meaning of the Criminal History Record Information Act, 18 Pa.C.S.A. § 9101 *et seq.* (“CHRIA”), and therefore was subject to the provisions contained therein.

BACKGROUND

8. In or about August 2022, Mr. Navarro applied to FedEx for the position of Warehouse Worker at FedEx’s facility in York, Pennsylvania.

9. Mr. Navarro was well qualified for the position of Warehouse Worker, and had previously held that position with FedEx through a staffing agency earlier in 2022.

10. Mr. Navarro was initially offered the position of Warehouse Worker and was scheduled to start orientation on or about September 6, 2022.

11. However, on or about August 24, 2022, Mr. Navarro received a letter from FedEx stating that, “Based in whole or in part on our criteria, including criminal record, information recently obtained in a consumer report completed by Justifacts Credential Verification, Inc., FEDEX SUPPLY CHAIN may be revoking the offer extended.” A copy of the report was provided as well.

12. Mr. Navarro’s criminal background report includes only one conviction, which was a guilty plea to three charges, all with a disposition date of March 5, 2008, as follows, (1) “Statutory Sexual Assault,” a felony; (2) “Indecent Assault Person Less 16 Yrs Age,” a misdemeanor; and (3) “Corruption of Minors,” a misdemeanor.

13. Mr. Navarro was told he had an opportunity to dispute the accuracy of the information in the report; however, the report was accurate.

14. On August 31, 2022, Mr. Navarro received a letter from FedEx stating that, “This letter is to notify you that FEDEX SUPPLY CHAIN is revoking the offer extended. This decision was made based in whole or in part on information received in a consumer report from Justifacts Credential Verification, Inc. (Justifacts).”

15. Mr. Navarro's criminal background does not relate to his suitability for employment with FedEx as a Warehouse Worker.

16. In refusing to hire Mr. Navarro on the basis of his criminal history report, FedEx violated CHRIA, which only permits employers to consider felonies or misdemeanor convictions contained in an applicant's criminal history report which relate to the employee's suitability for employment in the job for which he applied.

17. Mr. Navarro had neither felony nor misdemeanor convictions which related to his suitability for employment in the job for which he applied.

COUNT I

Violations of CHRIA (Plaintiff v. All Defendants)

18. All prior paragraphs are incorporated herein as if set forth fully below.

19. Section 9125(b) of CHRIA prohibits employers from denying employment on the basis of a criminal record other than for felony and misdemeanor convictions. 18 Pa.C.S. § 9125(b).

20. Section 9125(b) of CHRIA permits employers to consider an applicant's felony and misdemeanor convictions "**only** to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied." 18 Pa.C.S. § 9125(b) (emphasis added).

21. At the time FedEx denied Mr. Navarro employment on the basis of his criminal history, Mr. Navarro did not have any felony or misdemeanor convictions that would affect his suitability for employment in the position for which he had applied.

22. Because FedEx denied Mr. Navarro employment on the basis of his criminal history record information file under these circumstances, FedEx violated CHRIA.

23. In considering Mr. Navarro' criminal history record information file when the record did not contain any felony or misdemeanor convictions or guilty pleas that would affect his suitability for employment in the position for which he had applied, FedEx willfully violated CHRIA, 18 Pa.C.S. § 9125.

WHEREFORE, Plaintiff, Jonathan R. Navarro, respectfully requests judgment against Defendant FedEx Supply Chain, Inc., with all damages available under Section 9125 of the Pennsylvania Criminal History Records Information Act, including actual and real damages, exemplary and punitive damages, reasonable costs of litigation, attorneys' fees, and any such other relief as this Honorable Court deems just and appropriate.

Respectfully submitted,

WEISBERG CUMMINGS, P.C.

September 20, 2022

/s/ Larry A. Weisberg

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/s/ Derrek W. Cummings

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